

ARKANSAS NATIONWIDE PERMIT REGIONAL CONDITIONS
May 2002

Arkansas Department of Environmental Quality has issued Section 401 water quality certification for all NWP's requiring authorization under Section 404 of the Clean Water Act, contingent upon any activity impacting extraordinary resource waters, ecologically sensitive waters, and natural and scenic waters as delineated in the State's Regulation No. 2, requiring an individual water quality certification.

NOTE: None of the regional conditions pertain to paragraph a. of Nationwide Permit Number 40.

CORPS REGIONAL CONDITIONS WITHIN ARKANSAS

Regional Condition No. 1. For NWP's 7 and 12, intake structures shall be constructed with screening to prevent entry of fish.

Regional Condition No. 2. For activities proposed in the following listed waters, the prospective permittee shall written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 63 FR 36075-36076)*.

* **Fens** - A peat-accumulating wetland that receives some drainage from surrounding mineral soil and usually supports marshlike vegetation.

* **Bogs** - A peat-accumulating wetland that has no significant inflows or outflows and supports acidophilic mosses, particularly sphagnum.

* **Groundwater seeps** - wetlands at the base of steep slopes where the groundwater surface intersects with the land surface.

* **Dune depressional wetlands** - wetlands in shallow depressions that have no significant outflows but receives runoff from the surrounding land, located between sandy ridges in northeast Arkansas and southeast Missouri. These wetlands often support pondberry (*Lindera melissifolia*), a federally-listed endangered plant.

* **CACHE RIVER AND ADJACENT WETLANDS** from the mouth upstream to AR Highway 18 near Grubbs.

Regional Condition No. 3. Mining activities in navigable waters designated by the Corps of Engineers within the State of Arkansas shall require an individual Department of the Army permit or authorization by a regional general permit. These activities will not be authorized by NWP 44.

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Regional Condition No. 4. For Nationwide Permit 3, 12, 14, 39, 40, 41, 42, and 43, and in the waters listed below, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 13 (Federal Register, 63 FR 36075-36076)*. This notification shall be used to review the project for Federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 11 for the NWPS.

Alum Fork Saline River - Saline County

Species Of Concern: Arkansas fat mucket (LAMPSILIS POWELLII -LT)

ARKANSAS RIVER - IN THE FOLLOWING COUNTIES

CONWAY	PERRY
CRAWFORD	POPE
FAULKNER	PULASKI
JOHNSON	SEBASTIAN
LOGAN	YELL

Species of concern: interior least tern (*Sterna antillarum athalassos -le*), Arkansas River shiner (*Notropis girardi* -PE, of historic occurrence)

Bar Lake - Desha County

Species of concern: bald eagle (*Haliaeetus leucocephalus* -lt, proposed for delisting, nesting occurrence)

Bear Lake - Arkansas and Phillips Counties

Species of concern: bald eagle (*Haliaeetus leucocephalus* -lt, proposed for delisting, nesting occurrence)

Big Lake - Mississippi County

Species of concern: bald eagle (*Haliaeetus leucocephalus* -lt, proposed for delisting, nesting occurrence)

Billy Moore Lake - Desha County

Species of concern: bald eagle (*Haliaeetus leucocephalus* -lt, proposed for delisting, nesting occurrence)

Cache River and adjacent wetlands from the mouth upstream to AR Highway 18 near Grubbs – Monroe, Woodruff, and Jackson Counties

Species Of Concern: Several species of mussels

Horseshoe Lake - Monroe County

Species of concern: bald eagle (*Haliaeetus leucocephalus* -LT, proposed for delisting, nesting occurrence)

L'Anguille River - Lee County

SPECIES OF CONCERN: FAT POCKETBOOK (POTAMILUS CAPAX -PE)

Little Bay Ditch - Craighead County

Species of concern: fat pocketbook (*Potamilus capax* -PE)

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Mississippi River - Crittenden, Desha, Lee, Mississippi, And Phillips

Counties Species of concern: interior least tern (*Sterna antillarum athalassos* -LE), PALLID STURGEON (*Scaphirhynchus albus* -LE)

Moon Lake - Desha County

Species of concern: bald eagle (*Haliaeetus leucocephalus* -LT, proposed for delisting, nesting occurrence

St. Francis River System and associated ditches - Cross, Lee, Poinsett And
St. Francis Counties

Species of concern: fat pocketbook (*Potamilus capax* -pe), pallid sturgeon (*Scaphirhynchus albus* -LE)

Swawn Lake - Desha County

Species of concern: bald eagle (*Haliaeetus leucocephalus* -LT, proposed for delisting, nesting occurrence

White River - Arkansas, Baxter, Carroll, Independence, Jackson, Marion, Monroe, Prairie, White And Woodruff
Counties

Species of concern: pink mucket (*Lampsilis abrupta* -LE), bald eagle (*Haliaeetus leucocephalus* -lt, proposed for delisting, nesting occurrence

In addition to the above waterbodies, the following federal concern species are known to occur in various wetland areas, or cave streams:

Pondberry (*Lindera melissifolia* - LE)

Ashley

Clay

Jackson

Lawrence

Woodruff

Legend:

C = Candidate species. The U.S. Fish and Wildlife Service has enough scientific information to warrant proposing these species for listing as endangered or threatened under the Endangered Species Act.

LE = Listed Endangered; the U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act.

LT = Listed Threatened; the U.S. Fish and Wildlife Service has listed these species as threatened under the Endangered Species Act.

PE = Proposed Endangered; the U.S. Fish and Wildlife Service has proposed these species for listing as endangered.

2. NWP with mitigation may require recording of the permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to, or interest in, real property and provide proof of recording to the Corps.

3. Mitigation shall be scheduled for construction prior to or concurrent with the construction of the main project.